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PATENT

Docket No. 255,0004-0101
TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Sheridan et al.) Group Art Unit: 1651
Serial No.: 09/727,739) Examiner: Unknown
Filed: December 1, 2000) Confirmation No.: 4181
For: SOMATOSTATINS AND METHODS

DECLARATION OF VICTORIA A. SANDBERG UNDER 35 U.S.C. 184
IN ACCORDANCE WITH 37 C.F.R. §5.25(a)(3)

Commissioner of Patents and Trademarks
Attn: Licensing and Review
Group 3640
Washington, DC 20231

Dear Sir:

I, Victoria A. Sandberg, declare and say as follows:

1. This Declaration is made in support of the Petition for Retroactive Foreign Filing License in the above-captioned matter under 35 U.S.C. §184 and 37 C.F.R. §§5.14 and 5.25 (a)(3), concerning subject matter disclosed in Canadian Patent Application Serial No. CA 2,325,169, filed December 1, 2000.
2. The above-captioned patent application is a nonprovisional U.S. application that claims the benefit of U.S. Provisional Application Serial No. 60/168, 934, filed December 3, 1999.
3. The above-captioned patent application is identical in all material respects to the Canadian Patent Application Serial No. CA 2,325,169, filed December 1, 2000.

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Applicant(s): *SHERIDAN et al.*

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4. A foreign filing license was granted in U.S. Provisional Application Serial No. 60/168,934 on December 28, 1999 (copy attached as Exhibit A).
5. A foreign filing license was granted in the above-captioned patent application on January 19, 2001 (copy attached as Exhibit B).
6. The subject matter described in Canadian Patent Application CA 2,325,169, was not under a secrecy order at the time it was filed (December 1, 2000), and it is not currently under a secrecy order.
7. It is my belief that any new material included in the Canadian application does not alter the general nature of the invention described in the priority document, U.S. Provisional Application Serial No. 60/168,934, with respect to which a foreign filing license was granted on December 28, 1999.
8. Although I believe that the foreign filing license granted in the priority document encompasses the subject matter described in the Canadian patent application, I submit that upon reviewing the file in March 2001, and noting that a foreign filing license specifically directed to the added material was not obtained prior to filing the Canadian applicaiton, this petition for a retroactive foreign filing license was diligently sought as a precautionary measure.
9. If and to the extent a separate foreign filing license on the added subject matter is determined to be necessary, the Canadian patent application was filed through error and without deceptive intent due to the short amount of time between Applicants' decision to file a patent application in Canada and the Paris Convention date.

Notary Public Seal

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10. Pursuant to Applicants' instructions, we opened a file for the Canadian patent application on November 30, 2000, just four days prior to the Paris Convention date of December 3, 2000. Application drafting was not complete until just two days in advance of the Paris Convention date.

CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Assistant Commissioner for Patents, ATTN: Licensing and Review, Group 3640, Washington, D.C. 20231, on this 25th day of April, 2001.

Victoria A. Sandberg

Victoria A. Sandberg

Respectfully submitted,
SHERIDAN et al.
By their Representatives,
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25 April 2001
Date

VAS/kah

STATE OF Minnesota)
) ss.
COUNTY OF Hennepin)

By: *Victoria A. Sandberg*

Victoria A. Sandberg
Reg. No. 41,287
Direct Dial (612)305-1226



On this 25 day of April 2001 before me personally appeared Victoria A. Sandberg
to me known to be the person described in and who executed the foregoing instrument, and he/she executed the
same for the uses and purposes therein set forth.

Rachel Gagliardi-Grabau
Notary Public